

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, : Case No. 3:99-cr-86  
(Civil Case No. 3:10-cv-406)  
Plaintiff, : District Judge Walter H. Rice  
vs. : Magistrate Judge Michael J. Newman  
  
JACK CLARK, :  
  
Defendant. :  
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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #1245) IN ITS ENTIRETY; DENYING DEFENDANT'S MOTION TO VACATE SENTENCE PURSUANT TO 28 U.S.C. § 2255; TERMINATION ENTRY**

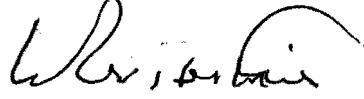
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The Court has reviewed the May 18, 2012 Report and Recommendation of United States Magistrate Judge Michael J. Newman (Doc. #1245), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, the Court adopts the aforesaid Report and Recommendation in its entirety.

Defendant's Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255 (Doc. #1187) is denied. If Defendant appeals this decision to the Sixth Circuit Court of Appeals, he is denied a certificate of appealability and leave to proceed *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

*July 13*  
June 13, 2012.

  
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WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT